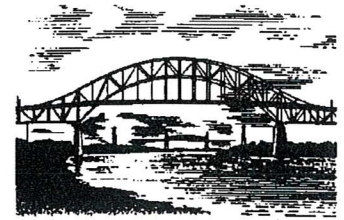


Terri A. Guarino
Health Agent

TOWN OF BOURNE BOARD OF HEALTH

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Meeting MINUTES March 14, 2022

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Meeting was called to order at 04:00 P.M.

Michael Rausch, Bourne Enterprise, acknowledged he was recording the meeting.

1. **Attendance** — Members of the Board present include: William Meier, Barbara Princiotta, and Stanley Andrews. Support Staff: Terri Guarino, Health Agent and Steve Torres, Counsel for the Board of Health.
2. **Town of Bourne Department of Integrated Solid Waste Management (ISWM) – 201 MacArthur Boulevard (Route 28), Bourne – Adopt a draft and or final Decision for major modification of site assignment, with due consideration of draft decisions that may (be) proposed by the parties.** – Mr. Andrews recapped that at the last meeting the Board got through section 3 item 11 before the allotted time for the meeting elapsed. ISWM Draft Revision 3.14.22 is screen shared with the Board Members, starting on page 27. Mr. Andrews begins reading at Item 12 for the Board's consideration. Mr. Andrews asks if there are any questions from the Board. There were no questions. Mr. Andrews asked the Board if everyone agreed on item 12. The Board agreed on the contents of item 12. Mr. Andrews begins to read item number 13. Mr. Andrews asked the Board if there were any questions on item 13. There were no questions. Mr. Andrews asked if the Board members agreed on item number 13. All Board members agreed to item number 13. Mr. Andrews read aloud item number 14. Mr. Andrews asked if there were any questions from the Board on item number 14. There were no questions from the Board. Mr. Andrews asked if the Board members agreed with item number 14. All Board members agreed on item number 14. Mr. Andrews read item number 15 aloud. He then asked if there were any questions from the Board. There were no questions from the Board on item number 15. Mr. Barret of ISWM wondered if Miss Guarino had any concerns or questions regarding Item 15's recording with the Registry of Deeds. Miss Guarino felt that it's not necessary to record this with the Registry and that a placard on the well would be sufficient. Mr. Andrews explained his concern if properties changed hands and the new owners thought this well could be used for potable water, and that having a notation on the deed may prevent this misinterpretation. Mr. Barret wondered if, by law, some of this recognition would be on the real-estate agent to inform potential buyers, just as they are required to inform them that a property abuts a landfill. Mr. Meier's concern is that if this type of information is left out it could end up in court. Mr. Barret agreed with Mr. Meier's concern. Mr. Andrews stated that in a previous experience the Board had approved a septic system in a location and had ordered a deed restriction be put in place. The home sold prior to the system being permitted and said deed restriction being recorded, causing an issue with the buyer who did not know that a deed restriction had been a requirement from the Board. Mr. Andrews stated in order to protect present and future residents from any surprises he believed it was right to have this recorded on the deed of the effected properties. He further acknowledged that this may present an issue as the homeowners have to agree to have this recorded on the deed but added that the statement "to the extent of the law" would cover ISWM if a homeowner refused this request. Ms. Princiotta agreed with Mr. Andrews's opinion on this matter. Ms. Princiotta asked Mr. Torres if a clause that states that any condition that is not enforceable by law will not negate deed notices already in place. Mr. Torres confirmed that a clause could be added to the document that reflected her request. Ms. Princiotta continued by asking if this could be signed in counter parts which could be added together to create the original.

Mr. Andrews replied that this could not be signed in counter parts and that all Board members had to sign the same document. Mr. Andrews asked if there were any other questions on item number 15. There were no other questions from the Board. Mr. Andrews asked if the Board members agreed with item number 15. All Board members agreed with item number 15. Mr. Andrews asked Mr. Torres if the severability clause could be added as item number 16. Mr. Torres agreed and stated that the clause would read as "In the event that any condition here in is determined to be invalid or unenforceable by a court of appropriate jurisdiction that condition shall be severed and the remaining conditions shall remain in full force and effect". Mr. Andrews then asked if there were any questions regarding item number 16. There were no question in regards to item number 16. Mr. Andrews then asked if the Board members agreed with item number 16. All Board members agreed with item number 16. Mr. Andrews then read aloud from section 4 Conclusion. Mr. Andrews asked if there were any questions from the Board regarding Section 4 Conclusions. Mr. Barret asked the Chair if he wanted to note a fund amount in the document. Mr. Andrews replied that the amount of 1 dollar per ton has already been added in item number 14. Mr. Barret asked if that was the number the Board wanted to stick with even if ISWM could not afford it. Mr. Andrews explained the amount by stating if ISWM were to put 1 ton in the amount owed would be 1 dollar and if ISWM put 219,000 tons in the amount owed would be \$219,000. Mr. Barret replied that there could be a possibility that ISWM could put in 219,000 tons in but they may not have 219,000 dollars to contribute to the fund. Mr. Andrews stated that would mean that ISWM was not taking the cost of business into account and that that would not be a good business practice. Mr. Barrett replied that sometimes uncontrollable circumstances arise and that he is trying to offer some kind of an out to offer some kind of flexibility. **Ms. Princiotta made a motion to accept the wording of the edits of the conditions as described by Mr. Andrews. Mr. Meier seconded the motion. Roll call vote... Mr. Meier...yes, Ms. Princiotta... yes, Mr. Andrews... yes.** There was no further discussion on the Conditions. **Ms. Princiotta made a motion that the Board of Health adopt the Draft Decision and Statement of Findings in the application for major modification of site assignment, application number 21-SW38-001-APP, said draft decision dated this date March 14, 2022, as modified by any revisions discussed and approved in the deliberations, this date, as its final decision on site assignment. And, further, that the Board authorize its Agent and Counsel to prepare and cause a copy of the final decision to be executed by each member of the Board that voted thereon. Mr. Meier seconded the motion. Roll call vote to approve. Mr. Meier...yes, Ms. Princiotta...yes, Mr. Andrews...yes. Motion passed.**

3. **Approve the Minutes – Approve the minutes from the previous meetings dated December 13, 2021 and February 23, 2022. – The December 13th minutes were not provided to the Board at this time therefore no action was taken. Mr. Meier made a motion to approve the February 23rd, 2022 minutes as written. Ms. Princiotta seconded the motion. Roll call vote to approve Mr. Meier...yes, Ms. Princiotta ...yes and Mr. Andrews...yes. The motion was approved unanimously.**
4. **Set tentative date for next meeting. – Meeting date tentatively scheduled for 530pm on March 23rd, 2022.**
5. **Adjourn. – Ms. Princiotta made a motion to adjourn. Mr. Meier seconded the motion. Roll call vote... Mr. Meier...yes, Ms. Princiotta... yes, Mr. Andrews...yes. Meeting adjourned at 5:00pm.**

Taped & Typed by Terri Guarino, Health Agent